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GROUP 1600

Patent

Attorney's Docket No. 007198-353

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	)	
	)	
Kwok On LAI <i>et al.</i>	)	Group Art Unit: 1647
	)	
Application No.: 09/157,984	)	Examiner: Robert C. Hayes, Ph.D.
	)	
Filed: September 22, 1998	)	ATTN: Examiner Gary Kunz
	)	VIA FACSIMILE: (703) 746-5113
For: CLONING OF A NOVEL	)	
NEUROTROPHIN NT-7 FROM	)	
CARP	)	

OFFICIAL

TRANSMITTAL LETTER

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Office communication dated January 2, 2002, enclosed please find:

- [X] Request for Withdrawal of Holding of Abandonment - No Abandonment in Fact.
- [X] September 25, 2001 Office Action (Paper No. 19).
- [X] October 24, 2001 Reply.
- [X] Post card receipt date stamped by the Patent and Trademark Office.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

BURNS, DOANE, SWECKER &amp; MATHIS, L.L.P.

By: 

Mercedes K. Meyer  
Registration No. 44,939

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: February 6, 2002

Received from &lt; 7038362021 &gt; at 2/6/02 5:27:22 PM [Eastern Standard Time]

Application No. 09/157,984  
Attorney's Docket No. 007198-353  
Page 2

I hereby certify that this correspondence is  
being sent by Facsimile Transmission to  
Assistant Commissioner of Patents and Trademarks,  
Washington, D.C. 20231 on

Date: February 6, 2002

Name: Elizabeth K. Stenson

(Typed or printed name of person signing the certificate)

Sign: Elizabeth K. Stenson  
(Signature of person signing the certificate)

Date: February 6, 2002

**FIRST CLASS MAIL****Sequence Listing**

Inv: Kwok On LAI *et al.*  
Title: "Cloning of a Novel Neurotrophin NT-7 from Carp"  
Date Recorded: 10/21/01; PatentIn 3.0  
Ref. No.: 007198-353  
SN: 09/157,984: Filed 09/22/98

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**BURNS DOANE**BURNS DOANE SWECKER & MATHIS LLP  
ATTORNEYS AT LAWALEXANDRIA, VIRGINIA  
REDWOOD SHORES, CALIFORNIA  
DURHAM, NORTH CAROLINA**FAX RECEIVED**

FEB 11 2002

**GROUP 1600****REPLY To:**  
P.O. Box 1404  
Alexandria, Virginia 22313-1404**TELEPHONE:** +1.703.836.6620**FACSIMILE:** +1.703.836.2021 (Group 3)  
+1.703.836.0028 (Group 4)

OFFICIAL

**DATE:** February 6, 2002

RECIPIENT INFORMATION	SENDER INFORMATION
To: <b>Examiner Gary Kunz</b>	From: <b>Mercedes K. Meyer, Ph.D., Esq.</b>
Voice Tel. No.:	Voice Tel. No.: <b>703 838-6561</b>
Fax Tel. No.: <b>703 746-5113</b>	Sent By: <b>Elizabeth K. Stenson</b>
Your Ref.: <b>09/157,984</b>	Our Ref.: <b>007198-353</b>
	Total Pages (Incl. Cover Page): <b>31</b>

**RE:** U.S. Patent Application Serial No. 09/157,984**MESSAGE:**

Dear Examiner Kunz,

Attached please find a Request for Withdrawal of Holding of Abandonment - No Abandonment in Fact. Should you have any questions, please do not hesitate to contact me.

Very truly yours,

  
Mercedes K. Meyer, Ph.D., Esq.

MXM/eks

**NOTE:** The information contained in this facsimile message is attorney-client privileged and contains confidential information intended only for the use of the person(s) named above and others expressly authorized to receive it. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this message is prohibited and you are asked to notify us immediately by telephone and to return this message to us by mail without copying it.

Any questions regarding compatibility should be directed to our Office Services Department at +1.703.836.6620.

(BDSM 05/01)

Received from &lt;7038362021&gt; at 2/6/02 5:27:22 PM [Eastern Standard Time]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Kwok On LAI *et al.*

Application No.: 09/157,984

Filed: September 22, 1998

For: CLONING OF A NOVEL  
NEUROTROPHIN NT-7 FROM  
CARP) **BOX: SEQUENCE**) **Group Art Unit: 1647**) **Examiner: Robert C. Hayes, Ph.D.****TRANSMITTAL LETTER**Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

In complete response to the Office communication dated September 25, 2001, enclosed

please find:

- [X] A copy of the substitute "Sequence Listing" in computer readable form in compliance with 37 C.F.R. §§1.823(b) and 1.824.
- [X] A statement that the content of the paper and computer readable copies are the same as set forth in 37 C.F.R. §1.821(f).
- [X] Amendment and Reply regarding the substitute Sequence Listing.

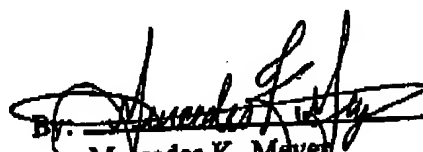
10-24-01/crs

Page 2

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment to Deposit Account No. 02-4800. A duplicate copy of this paper is enclosed.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:   
Mercedes K. Meyer  
Registration No. 44,939

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

Date: October 24, 2001

Patent

Attorney's Docket No. 007198-353**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of	)	
	)	
Kwok On LAI <i>et al.</i>	)	Group Art Unit: 1647
	)	
Application No.: 09/157,984	)	Examiner: Robert C. Hayes, Ph.D.
	)	
Filed: September 22, 1998	)	ATTN: Examiner Gary Kunz
	)	VIA FACSIMILE: (703) 746-5113
For: CLONING OF A NOVEL	)	
NEUROTROPHIN NT-7 FROM	)	
CARP	)	

# 21

**REQUEST FOR WITHDRAWAL OF HOLDING OF  
ABANDONMENT - NO ABANDONMENT IN FACT**

Assistant Commissioner of Patents  
Washington, D.C. 20231

Sir:

In accordance with M.P.E.P. § 711.03 and pursuant to 37 C.F.R. § 1.181(a), withdrawal of the holding of abandonment in the above-captioned application is respectfully requested, there being no abandonment in fact. Specifically, the Notice of Abandonment issued on January 2, 2002 (Paper No. 19) states that the application is held abandoned for failure to respond to the Patent and Trademark Office communication dated September 24, 2001 and June 14, 2001. However, a reply to that communication was timely filed on October 24, 2001. A copy of that reply (i.e., October 24, 2001) and the September 25, 2001 Office Action (Paper No. 19) are enclosed, as is a copy of a post card receipt date-stamped by the Patent and Trademark Office to acknowledge receipt of said reply on said date. This date-stamped post card receipt, which itemizes and properly identifies the papers filed, is *prima facie* evidence of receipt in the Patent and Trademark Office of all the items listed thereon on the date stamped thereon by the Patent and Trademark Office. See, M.P.E.P. § 503.

(10/01)

Request for Withdrawal of Abandonment  
Application No. 09/157,984  
Attorney's Docket No. 007198-353  
Page 2

Additionally, as requested by Examiner Kunz during a telephone conversation held February 5, 2002 and via prior telephonic communications with Examiner Kunz and Examiner Low, Applicants submit this timely Request (i.e. submitted within two months of date of the Notice of Abandonment) to withdraw the holding of abandonment. As discussed, Applicants assert that the time period continues to toll from the mailing date of the last official paper, dated September 25, 2001 (Paper No. 17). This paper notifies Applicants that the clock is started from the September 25, 2001 mailing date. Specifically the paper states::

Since the response appears to be ***bona fide***, . . .  
applicant is given **ONE (1) MONTH or THIRTY (30) DAY**  
from the mailing date of this notice, whichever is longer,  
within which to supply the omission or correction in order to  
avoid abandonment under 37 CFR 1.821(g). **EXTENSIONS**  
**OF THIS TIME PERIOD MAY BE GRANTED UNDER 37**  
**CFR 1.136(a).**

Accordingly, Applicants assert that this notice unequivocally starts the clock on the September 25, 2001 mailing date, not the date of a prior Official Action. Absent any further notifications from the Office to the contrary, Applicants assert that the time period for response to the September 25, 2001 paper continues to toll until **March 25, 2002**. Applicants further provide that no further paper from the Office regarding the instant application was received other than the Notice of Abandonment dated January 2, 2002.

The undersigned also notes that prior to submission of the October 24, 2001 response, she attempted to contact Examiner Hayes to ensure that the response provided addressed the issues he raised in his September 25, 2001 paper. Unfortunately, Examiner Hayes was away on vacation. The undersigned then contacted and discussed the September 25, 2001 Official Action with Examiner Kunz, who clarified certain items in the Action to Applicants. In light of these remarks, Applicants prepared and submitted a response to the Office on October 24, 2001.

(10/01)



Request for Withdrawal of Abandonment  
Application No. 09/157,984  
Attorney's Docket No. 007198-353  
Page 3

Applicants thank Examiners Christopher Low, Gary Kunz and Robert Hayes for their willingness to discuss the application and their helpfulness in resolving and expediting the processing of this Request.

In light of at least the above, withdrawal of the holding of abandonment and prompt favorable action on the merits are respectfully requested.

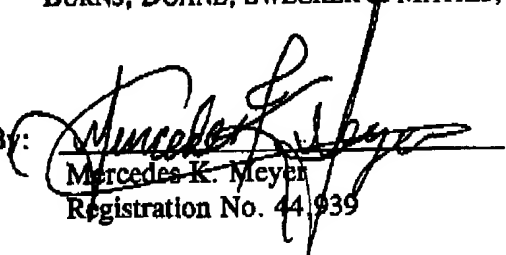
It is believed that no fee is required for consideration of this paper. Should the Office deem otherwise, the Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. § 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: February 6, 2002

By:

  
Mercedes K. Meyer  
Registration No. 44,939

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

(10/01)

## Request for Withdrawal of Abandonment

Application No. 09/157,984Attorney's Docket No. 007198-353

Page 4

I hereby certify that this correspondence is  
being sent by Facsimile Transmission to  
Assistant Commissioner of Patents and Trademarks,  
Washington, D.C. 20231 on

Date: February 6, 2002Name: Elizabeth K. Stenson  
(Typed or printed name of person signing the certificate)Sign: Elizabeth K. Stenson  
(Signature of person signing the certificate)Date: February 6, 2002

(10/01)

**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/157,984	09/22/98	LAI	K 007192-353

021839

HM12/0925

BURNS DOANE SWECKER & MATHIS L L P  
POST OFFICE BOX 1404  
ALEXANDRIA VA 22315-1404

EXAMINER

HAYES, R

ART UNIT

PAPER NUMBER

1647

DATE MAILED:

09/25/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**URGENT***Deacons**007192-353**JAL/mxm*

BURNS, DOANE, SWECKER & MATHIS, L.L.P. RECEIVED
SEP 26 2001
9-26-01-24
<b>DOCKETED</b>

*Sequence Listing Due*  
*10/25/01*

UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/167,984			

EXAMINER	
ART UNIT	PAPER NUMBER
	17

DATE MAILED:

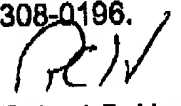
Please find below a communication from the EXAMINER in charge of this application  
Commissioner of Patents

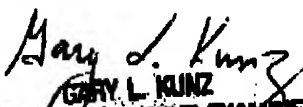
The communication filed on 07/13/01 is not fully responsive to the communication mailed 06/14/01 because 37 CFR 1.821 (a)(2)(c-d) states that each sequence disclosed must appear separately in the "Sequence listing" *and in the text of the description and claims (i.e., where first mentioned in the specification)*. See MPEP 2431. In other words, what SEQ ID NO:13 represents is not stated within the specification, as required. In addition, note again that use of brackets (i.e., "[SEQ ID NO:1]") in amendment B (paper #13; filed 4/6/01) denotes to the printers that text is deleted, as provided in 37 CFR 1.121(a)(2)(ii) which, therefore, should also be corrected. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment under 37 CFR 1.821(g). **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

Any inquiry concerning this communication should be directed to Examiner Robert C. Hayes, Art Unit 1647, whose telephone number is 703-305-3132

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

  
Robert C. Hayes, Ph.D.  
September 24, 2001

  
GARY L. KUNZ  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1000

**Attachment for PTO-948 (Rev. 03/01, or earlier)  
6/18/01**

**The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.**

**INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

**1. Correction of Informalities – 37 CFR 1.85**

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

**2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.**

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

**Timing of Corrections**

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.

06/01/01

Inventor: Kwok On LAI et al.Appln. No.: 09/157,984Filing Date: September 22, 1998Docket No.: 007198-353Work Atty.: JAL/MXM:eksDate: October 24, 2001

30

The following was/were received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ Amendment and Reply
- ☐ Preliminary Amendment
- ☒ Transmittal Letter
- ☐ Petition for \_ Month Extension of Time
- ☐ Submission of Formal Drawings w/\_ sheet(s) of drawings (Fig(s), 1-\_)
- ☐ Request for Approval of Drawing Changes w/\_ sheet(s) of red ink drawings
- ☐ Notice of Appeal
- ☐ Brief for Appellant
- ☐ Request for Oral Hearing
- ☐ Reply Brief
- ☐ Response to Restriction Requirement or Election of Species

- ☐ Terminal Disclaimer ☐ Certificate Under 37 C.F.R. § 3.73(b)
- ☐ Transmittal Letter for Missing Parts of Application
- ☐ Executed Declaration/Power of Attorney
- ☐ Assignment/Assignment Recordation Form Cover Sheet (PTO-1595)
- ☐ Claim for Convention Priority w/\_ certified copy(s)
- ☐ Information Disclosure Statement w/\_ document(s)
- ☐ Information Disclosure Citation (PTO-1449)
- ☐ Information Disclosure Statement Transmittal Letter
- ☐ Request for Corrected Notice of Recordation or Assignment w/copy of Notice
- ☐ Request for Continued Examination

- ☐ Check for \$\_\_ is enclosed
- ☐ Check for \$\_\_ is enclosed
- ☐ Charge \$\_\_ to Deposit Account
- ☐ Issue Fee Transmittal
- ☐ Payment of Issue Fee and Authorization to charge Deposit Account
- ☐ Request for Refund
- ☐ Status Inquiry
- ☒ A paper copy of the Sequence Listing along with a copy of the Sequence Listing in computer readable form (Diskette) in compliance with 37 C.F.R. §§ 1.823(b) and 1.824
- Declaration Pursuant to 37 C.F.R. §§ 1.821-1.825

(10/00)



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